S.B.Civil Revision Petition No.295/2006

Roopkala Beauty Parlour

vs.

Shri Jagjit Mahadev Ji Sthan.

Date : 30.8.2006

HON'BLE MR. PRAKASH TATIA, J.

Mr. Sachin Acharya, for the petitioner.

Mr. Chaitanya Gahlot, for the respondent.

- - - - -

Heard learned counsel for the parties.

The petitioner has preferred this revision petition to challenge the order dated 1.3.2006 by which the petitioner's application under Order 7 Rule 11 CPC has been rejected by the trial court on the ground that the petitioner/defendant's contention that the plaintiff's suit is not maintainable because the suit has been filed by the trust which is not registered, is required to be decided after framing issues because it is a question of fact.

After going through the facts of the case and the reasons given by the court below, I do not find any illegality in the impugned order dated 1.3.2006. The trial court may decide the issue whether the plaintiff trust is public trust or not ? and whether the suit filed by the plaintiff is maintainable or not ? as preliminary issues.

Accordingly, this revision petition is disposed of.

(PRAKASH TATIA), J.

S.Phophaliya